A SPEECH

Made By

Sir William Scroggs,

ONE of

His MAJESTIES

SERGEANTS at LAW,

To the Right Honourable the

Lord High Chancellor

Of *ENGLAND*,

At his Admission

To the Place of One of His Majesties Justices

Of the Court of

COMMON-PLEAS.

Published by His Majesties Command.

In the Savoy:

Printed by *Tho. Newcomb*, 1676.

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MY LORD,

THat the King's Favour is the effect of the duty I have paid Him, (which your Lordship is pleas'd to call Service) is the most welcome and pleasing part of His kindness; and I trust We shall still see such times, that no man shall hope to have it, or keep it on any other account. The right application of Rewards and Punishments, is the steady Justice of a Nation; where, though the Rewards of Kings exceed what a subject can merit, they should never reach him that demerits. To return Good for Evil may be an obligation of Charity; It is never of Bounty. And the taking off (as they call it) of an Ambitious, and therefore a Factious, man, by Favours, is the worst way to stop, or open his mouth; for he will whisper one way louder than he will speak the other: And when you think you gain one Enemy, you make many.

On such an occasion as this, I think it very proper to give your Lordship some account, what considerations I have had, in order to the discharge of my duty in this place, since the King's first intimations of His pleasure.

And that respects Matters, either as they stand betwixt the King and his People, or betwixt Man and Man.

For the first, I know that the Law gives such Prerogatives to the King, that to endeavour more were to desire worse; and it gives to the People such Liberties, that more would be licentious.

What then hath a man to do that hath Courage enough to be honest, but to apply his Understanding to the Miniſtration of thoſe Laws juſtly to both: Wherein I may ſay, that the Caſes will be rare that will be difficult in themſelves. They may be made ſo from ſiniſter Cauſes; when men thinking to ſerve a Turn, or like *Pilate*, to pleaſe the People, deliver up that which is right to be crucified. Then they are fain to rack their Fancies to make good their Faults. This makes ſuch nice Diſtinctions, and ſuch ſtrained Conſtructions, till they leave nothing plain in the world. Whereas in truth, the Duty we owe to the King and his People, is like the Duty we owe to God, not hard to underſtand, whatever it is to practice.

This Court, my Lord, 'tis true, is properly a Court of *Meum* and *Tuum*, where Prerogative and Liberty are ſeldom Plaintiffs or Defendants. But yet 'tis certain, that even in private Cauſes, matter of Government many times intervenes, and the Publick is concerned by Conſequence. And therefore I think it fair, and like Engliſh honeſty and plainneſs, ſomething to unveil one's ſelf in that particular, that men may know before-hand what they may expect. And herein I do declare, I would no more wrong or leſſen the People's Liberties, than I would inſlave my Son: But then I will no more derogate from the King's Prerogative, than I would betray my Father.

My Lord, In times when Faction is ſo bold as to be bare-fac'd; and falſe and ſeditious News is openly talk'd, and greedily embrac'd; when the King's reaſonable Demands are diſputed, and turned into Cavils, and thoſe that oppoſe 'em talke confidently; and thoſe that ſhould maintain 'em ſpeak fearfully and tenderly; when the Reverence we owe to the King is paid

paid to the People; the Government is beset, the King is in danger, and there is nothing wanting but opportunity.

But when to prevent that opportunity, men are afraid, and hold it dangerous to avoid the danger; when we dare not call a Crime by its right name; and for some, find none; and a Mischief must be effected, before we will think it one: When dangerous Attempts are mince'd, and by some trivial difference Treason is distinguish'd into a Trespass; when men are forward and venturous enough in what thwarts the Government, but in supporting it seem grave and cautious, nice and timerous, and so fill'd with Prudentials, till they are as wise as fear can make 'em; The Law is enervated, and becomes useless to its greatest end, which is, the preservation of the whole.

'Tis true, in Publick Causes, the same Integrity is necessary as in Private; But that is but part of a Judge's Duty. He must be Magnanimous as well as Virtuous. And I acknowledge it to be a main and principal part of my duty, as it relates to the King and his People, with hearty resolution to suppress all open Force, and private Confederacies; not thinking any thing little that attempts the Publick Safety; for when the Motives are small, the Danger is greater; when Discontents exceed their Causes.

And for the discharge of my Duty betwixt Party and Party, it is impossible to be performed without those two Cardinal Virtues, [Temper] and [Cleanness of Hands.] Temper comprehends Patience, Humility, and Candor. It seems to me that saying, *Be quick to hear, and slow to speak*, was made on purpose for a Judge. No Direction can be apter, and no Character becomes him better: and he that would not be said to have but one Ear, me-thinks should be asham'd to have none. And I appeal to your Lordships experience, if a patient Attention, accompanied with indifferent Parts, and a competency in the Law, with a mind fairly

fairly disposed for Information or Conviction, will not, as to use and common benefit, exceed the profoundest Knowledge, and most towering Understanding, that is attended with an impetuous haste, either out of a glory of Speaking, or too great a fulness of himself.

And for Humility, Though I will not say that every Impatient Man is proud, (because that may arise from other causes) yet every Proud Man is impatient, sometimes of Information, always of Contradiction; and he must be violent to maintain his own Imperiousness.

Hastiness is a needless and unbecoming Provocation: It makes Men hate where they should fear and reverence. And yet by Gentleness I understand not Tameness, but Moderation; not without Rebukes, but without Taunts.

For Corruption, that Perverter of Law, and Destruction of Property, that leaves in the World neither *Bonum* nor *Æquum*; for when he does Right, he does not Justice; and he that sells Justice, will sell Injustice. 'Tis not only to be avoided, but abhorred; and not alone in its direct Approaches, but in Relatives and Servants, those By-ways of Bribery; and it becomes every Man so manifestly to detest it, that it may scare even the attempt; for no Man is sufficiently safe unless to his power he avoids the suspicion as well as the fault. Practice does one; and that which makes me speak this, a publick Profession against it, is the way to do the other.

And where Gifts prevail not, yet if Fear, Relation or Popularity sway, 'tis the same thing. If there be a Byass put to a Man, it matters not of what it is made. Nay, these are worse than Corruption by Money, for there both sides may have the same Tool, but a Man cannot make himself a Kin, nor his Cause Popular.

And now give me leave, My Lords, to shew what I thought it by no means unnecessary to say something on the Particulars I have mentioned.

First,

First, To satisfie your Lordship and the World I undertake not this Place without due Considerations of the Duty belongs to it. Next, it is some Eye upon a Man not to commit those Errours he hath in publick declaimed against; for he must add Impudence to his Crime, to have his own words fly in his face, with which every Man will upbraid, and no Man can excuse him.

My Lord, In a Discourse on such an Occasion as this, where Men are concern'd in Point of Interest, (for so they are when a Judge is made) my Aim is not to say what will please their Humours, but what should satisfie their Minds: Neither am I so vain as to think I shall do that with all; nor much concerned though it fall out so. If Reputation and a Good Name can be got by doing my Duty, 'tis welcome, but if it must be sought by other Arts, I will be no Seeker; especially considering that the Applause of the Multitude, that Contingent Judge of Good and Bad, rather attends the Vain than the Vertuous; and is oftner sought by such too. The Approbation of the Wise, which are the Few; and of the Honest, by which I intend, Men heartily affected to the Government, I acknowledge I earnestly covet: For them that are otherwise, I court not their good opinion, because I fear not their bad; and would not draw that suspicion upon my self, that Men may say, What Ill has he done, that those Men speak so well of him? I never was of their Party, nor never will be. And to be even with them, I think as meanly of them as they do of Loyalty; whose Misfortunes are more to be esteemed than their Triumphs. The good words of such as truly love their Country, (which no Man ever did that does not love his Prince) indeed I highly prize, and will endeavour to deserve; though your Lordship at this time has been beforehand with me in that Particular, by bestowing them upon me first; and so many, that I am ashamed I have been no better to have made 'em good: But because

your

your Lordship is willing and able to render any Man much better than he is, they ought to be esteemed as the Proceed of a Generous Nature, and an Indulgent Prudence; which by telling me what I am, does but kindly insinuate what I should be.

My Lord, I will waste no more of your time, though I omit those usual Returns of formal Thanks; for they are of course; or extream wondring at the great Surprizals of the Kings Favour; and those humble, yet high Debasements of ones Self, which look like Modesty, but is a sort of Bravery.

My Thanks shall be paid in (what the KING likes best) Service to His People. The Wonder will cease by that time I get to the Bench: And my Defects are best confest by endeavouring to amend them.

FINIS.